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HANDLING INDICATOR

TO : Department of State
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FROM : Amembassy MONTEVIDEO DATE: July 1, 1977

SUBJECT : GOU Promulgates New Broadcasting Law

REF : 76 Montevideo A-19 DHA

A radio and television broadcasting law (see enclosure) promulgated this month by the GOU provides, among other things, that private broadcasting concerns are publicly accountable for any transmissions that "could disturb the public tranquility, impair morality and time-honored customs, compromise the national security or the public interest, or affect the image and the prestige of the Republic". The GOU can, in these cases, issue a warning, summons, or a fine; can suspend or close the broadcasting station for from 24 hours (the minimum) to 30 days (the maximum); or revoke the station's license.

In those cases falling under the National Security Law, the GOU can immediately order the temporary closing of the broadcasting station responsible. In the case of other infractions the GOU under the law is given the power of "preventative suspension" of a facility's license.

The National Public Relations Directorate of the Presidency (DINARP) is the GOU agency empowered to see that the broadcasting facilities "abide by the constitutional, legal and operational rules which protect the free expression of thought".

COMMENT: This law provides a legal basis to limit freedom of expression and prevent radio and television media criticism of its actions. Whether or not the law gives the GOU any powers it did not already have is problematical, since the Medidas Prontas de Seguridad prohibit the dissemination of other than official news releases or

Enclosure: As stated.

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commentary on "subversives" and GOU operations against them. In addition, the media, including radio and television, operates under a system of self-censorship with guidelines established by the authorities (see ref.).

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UNOFFICIAL TRANSLATION OF NEW BROADCASTING LAW

In agreement with the Minister of National Defense, the President of the Republic promulgated the following Law:

Article 1. Broadcasting services are considered to be entities falling within the realm of the public interest and will be operated by official and private entities, under an authorization or license system, with the assignment of a corresponding frequency.

By broadcasting we mean, for the purposes of this law, to include any transmission service whose sound broadcasting, whether by televised or similar means, are destined for direct reception by the public.

Article 2. The Official Broadcasting Station (SODRE) will enjoy preference over the private systems in regard to the assignment of frequencies or channels and the location of stations, as well as in everything related to other conditions of installation and operation.

Article 3. Private broadcasters will be publicly accountable to the Government, in the following cases:

1) If they transmit or try to transmit without a license.

2) When they infringe on any of the conditions of authorization.

3) In the case when they transgress the broadcasting and operational rules that are established by domestic laws and regulations or international usage, as established by respective international conventions.

4) When the transmissions, without constituting a crime or offense, could disturb the public tranquility, impair morality and time-honored customs, compromise the national security or the public interest, or affect the image and the prestige of the Republic.

Article 4. The Government can impose, if any of the actions listed in Article 3 occur, the following sanctions:

1) A warning.

2) A summons.

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3) A fine equivalent to from thirty readjustable units (Law No. 13,728 of December 17, 1968) to three hundred readjustable units.

4) Suspension or closing of the broadcasting station for from 24 hours, as a minimum, to thirty days, as a maximum.

5) Revocation of the station's license.

If a station transmits or intends to transmit without a license, it will be closed down, with the confiscation of its facilities without indemnification.

Article 5. The Executive Power will apply these sanctions in a rational manner, considering the gravity of the offense, the amount of damage, and the previous record of the broadcasting station responsible.

Article 6. In those cases falling under the National Security Law (Law No. 14,068, of July 10, 1972), the Executive Power will immediately order the temporary closing of the broadcasting station responsible, informing the competent jurisdiction, without prejudice to the final administrative determination in regard to the station's license. When it has to do with other crimes or offenses, the Executive may suspend preventatively the license of the responsible broadcasting station, informing the appropriate judicial authorities.

Article 7. The National Public Relations Directorate of the Presidency (DINARP) is the agency empowered to see that the broadcasting stations abide by the constitutional, legal and operational rules which protect the free expression of thought.

Article 8. This revokes Law No. 8,390 of November 13, 1928, and other measures in accordance with or amending it, in relation to broadcasting.

Article 9. To be communicated, etc.

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